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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,352	10/14/2003	George C. Valley	HRL 128	1230
7590 11/26/2008 CARY TOPE MCKAY 23852 PACIFIC COAST HIGHWAY #311 MALIBU, CA 90265				
EXAMINER				
ALHJ/A, SAIF A				
ART UNIT		PAPER NUMBER		
2128				
MAIL DATE		DELIVERY MODE		
11/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,352

Applicant(s)

VALLEY ET AL.

Examiner

SAIF A. ALHIJA

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

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DETAILED ACTION

1. Claims 1-42 have been presented for examination.

Response to Arguments

2. Applicant's arguments, see response, filed 22 August 2008, with respect to claims have been fully considered and are persuasive. The prior art rejection of the claims has been withdrawn.

NON-PRIOR ART ARGUMENTS

i) Following Applicants arguments the 112 rejections of claims 1-42 are withdrawn. However additional 112 2nd rejections have been provided below. The Examiner contacted Applicants representative Marcus Risso to overcome the 112 2nd rejections presented. The Examiner was recommended to present a formal written office action due to the time constraints the Examiner presented for response.

ii) The Examiner further notes that claims which recite "means for" as per claims 18-28 and 32-42 are accorded their meaning as per 112 6th paragraph and not the definition in paragraph 54 of the specification of the instant application. Applicants are requested to map the "means for" recitations in the claims to the specification of the instant application.

iii) Due to the new grounds of rejection presented in this office action the rejection is **NON-FINAL**.

PRIORITY

3. Acknowledgment is made of applicant's claim for priority to provisional application #60/418044 filed on 12 October 2002.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 1-42 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i) The claims recite **"a large number of clock cycles."** Applicants have not provided a range of clock cycles, such as ≥ 100 or ≥ 1000 so it is impossible to ascertain the scope, metes, and bounds of "large number or clock cycles." This renders the claims vague and indefinite.

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ii) The claims recite **“weakly non-linear.”** Although the Examiner recognizes this to be a term in the art Applicants have not provided adequate specificity with respect to the determination of the scope, metes, and bounds of weakly linear in conjunction with the clock periods as recited in the claims. This renders the claims vague and indefinite.

iii) As per Applicants arguments the claims intend to explicitly and distinctly define the separation of the time domain response of the system as a whole and its subset of clock periods and cycles as argued on page 8 second paragraph of Applicants response dated 22 August 2008. The Examiner notes that Applicants are respectfully requested to clarify this separation in the language of the claims specifically between the second limitation reciting **“selecting...”** and the third limitation reciting **“iteratively applying....”** This renders the claims vague and indefinite in view of Applicants arguments cited above.

Appropriate correction is required.

All claims dependent upon a rejected base claim are rejected by virtue of their dependency.

Allowed Subject Matter

5. **Claims 1-42 are deemed allowable** over the prior art of record at this time, pending resolution of any rejections noted above, because the prior art does not specifically disclose the claimed method/apparatus/computer program product, specifically the wavelet based matrix operator based on wavelet connection coefficients in combination with the utilization of the operator as representative of the time domain performance of the system as a whole and the combination of iteratively applying the operator within each clock period and sequentially over a subset of clock cycles. Applicants have been requested above to clarify the range of "large number of clock cycles" as well as "weakly non-linear" as well as distinctly define the separation of the time domain response of the system as a whole and its subset of clock periods as argued on page 8 second paragraph of Applicants response dated 22 August 2008.

Conclusion

6. All Claims are rejected.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAIF A. ALHIJA whose telephone number is (571)272-8635. The examiner can normally be reached on M-F, 11:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571) 272-22792279. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAA

November 20, 2008

/Hugh Jones/
Primary Examiner, Art Unit 2128